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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,583	09/15/2003	Sanjay Bhardwaj	010262-019700US	9324

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EXAMINER	
HSU, ALPUS	

ART UNIT	PAPER NUMBER
2465	

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11/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/662,583	BHARDWAJ, SANJAY	
	Examiner	Art Unit	
	Alpus H. Hsu	2465	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,15-17 and 19-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-13,15,16 and 24* is/are allowed.

6)☒ Claim(s) *17, 19-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Applicant's arguments with respect to claims 17, 19-23 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in Pub. No. US 2003/0152076 A1 (of record), hereinafter referred to as Lee, in view of Ogasawara et al. in U.S. Patent No. 7,379,454 B2 (newly cited), hereinafter referred to as Ogasawara.

For claim 21, Lee discloses a method of processing an encapsulation packet including an encapsulating header and an encapsulated packet, comprising: receiving the encapsulation packet formatted as a sequence of parallel data segments (see paragraphs [0076]-[0078], wherein the parallel data segments of the incoming packet are inputted to a data pipeline); receiving selectively programmable first information indicative of a location of second information within said encapsulated packet (see paragraphs [0186]-[0188], wherein the second information is the

number of bytes to be removed); based on said first information, obtaining said second information from said encapsulated packet (see paragraphs [0186]-[0188], wherein the second information is the number of bytes to be removed based on the POPOFF field).

Lee fails to disclose replacing a portion of said encapsulating header with said second information. Ogasawara from the same or similar fields of endeavor teach replacing a portion of said encapsulating header with said second information (see col. 3, line 60 to col. 4, line 13, col. 5, line 53 to col. 6, line 7, col. 7, line 53 to col. 8, line 10). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by Ogasawara in the network of Lee. The method taught by Ogasawara is modified/implemented into the network of Lee by replacing header information with encapsulated data. The motivation for replacing a portion of said encapsulating header with said second information is to update the packet.

For claim 23, Lee discloses an apparatus for processing an encapsulation packet including an encapsulating header and an encapsulated packet, comprising: means for receiving the encapsulation packet formatted as a sequence of parallel data segments (see paragraphs [0076]-[0078], wherein the parallel data segments of the incoming packet are inputted to a data pipeline); means for receiving selectively programmable first information indicative of a location of second information within said encapsulated packet (see paragraphs [0186]-[0188], wherein the second information is the number of bytes to be removed); means for obtaining said second information from said encapsulated packet based on said first information (see paragraphs [0186]- [0188], wherein the second information is the number of bytes to be removed based on the POPOFF field).

Lee fails to disclose means for replacing a portion of said encapsulating header with said second information. Ogasawara from the same or similar fields of endeavor teach replacing a portion of said encapsulating header with said second information (see col. 3, line 60 to col. 4, line 13, col. 5, line 53 to col. 6, line 7, col. 7, line 53 to col. 8, line 10). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by Ogasawara in the network of Lee. The method taught by Ogasawara is modified/implemented into the network of Lee by replacing header information with encapsulated data. The motivation for a means for replacing a portion of said encapsulating header with said second information is to update the packet.

5. Claims 17, 19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Sayegh in U.S. Patent No. 5,293,330 A (of record), hereinafter referred to as Sayegh.

For claim 17, Lee discloses a method of processing an encapsulation packet including an encapsulating header and an encapsulated packet, comprising: receiving the encapsulation packet formatted as a sequence of parallel data segments, said encapsulated packet including information for use in modifying said encapsulating header (see paragraphs [0076]-[0078], wherein the parallel data segments of the incoming packet are inputted to a data pipeline); insuring that said information is available in said sequence of parallel data segments, including combining a first of said parallel data segments and part of a second of said parallel data segments at a position in said sequence occupied by said first parallel data segment (see paragraphs [0077] and [0079]; and modifying said encapsulating header based on said parallel-formatted information (see paragraphs [0186]-[0188], and protocol translator unit 315).

Lee fails to disclose that the first and second parallel data segments are adjacent one another in the sequence, which is well known in the art and commonly applied in communications field. Sayegh from the same or similar fields of endeavor teach that said first and second parallel data segments are adjacent one another in the sequence (see fig. 5, adjacent pipeline stages). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by Sayegh in the network of Lee. The method taught by Sayegh is modified/implemented into the network of Lee by combining data segments, wherein the data segments are adjacent to one another. The motivation for insuring that said information is available in said sequence of parallel data segments, including combining a first of said parallel data segments and part of a second of said parallel data segments at a position in said sequence occupied by said first parallel data segment is said another pipeline stage is to maintain a copy of the data at each stage of the pipeline.

For claim 22, Lee discloses an apparatus for processing an encapsulation packet including an encapsulating header and an encapsulated packet, comprising: means for receiving the encapsulation packet formatted as a sequence of parallel data segments, said encapsulated packet including information for use in modifying said encapsulating header (see paragraph [0076], lines 6-11, wherein the parallel data segments of the incoming packet are inputted to a data pipeline), means for insuring that said information is available in said sequence of parallel data segments (see paragraph [0078], lines 1-2, wherein the pipeline comprises a plurality of pipeline stages); means for combining a first of said parallel data segments with a portion of a second of said parallel data segments (see paragraphs [0077] and [0079]); means for modifying said encapsulating header based on said parallel-formatted information (see paragraph [0188],

lines 1-2, protocol translator unit 315).

Lee fails to disclose that the first and second parallel data segments are adjacent one another in the sequence, which is well known in the art and commonly applied in communications field. Sayegh from the same or similar fields of endeavor teach that said first and second parallel data segments are adjacent one another in the sequence (see fig. 5, adjacent pipeline stages). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by Sayegh in the network of Lee. The method taught by Sayegh is modified/implemented into the network of Lee by combining data segments, wherein the data segments are adjacent to one another. The motivation for insuring that said information is available in said sequence of parallel data segments, including combining a first of said parallel data segments and part of a second of said parallel data segments at a position in said sequence occupied by said first parallel data segment is said another pipeline stage is to maintain a copy of the data at each stage of the pipeline.

For claim 19, Sayegh teaches said one pipeline stage is upstream from said another pipeline stage in said data pipeline (see fig. 5, each pipeline stage combining with the others).

For claim 20, Sayegh teaches said part of said data segment currently held in said one pipeline stage includes a portion of said information (see col. 9, lines 58-65, wherein all the data is combined in each stage).

6. Claims 1-13, 15, 16 and 24 are allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang, Wilson et al. '821 & '904, Blair and Sultan are additionally cited to show the common feature of encapsulation packet header processing similar to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay K. Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

/Alpus H. Hsu/
Primary Examiner, Art Unit 2465